

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...
CIVIL APPLICATION (S) NO. 285/2023
IN
SECOND APPEAL NO. 352/1997

Ambadas Khanduji Doifode

..Appellant/s

versus

Shankarrao Champatrao Thakre

Th: LRs 1. Smt. Vimal wd/o Shankarrao Thakre
and others

..Respondent/s

.....
None for the Appellant/Applicant

None for the Respondents
.....

CORAM: ANIL L. PANSARE, J.

DATED : 13th July, 2023.

PC:

None appears for the appellant/applicant.

Remarks of the registry indicate that notice issued to respondent no.2 is returned back unserved with report that noticee refused to accept the notice due to incorrect name.

The Civil Application and Second Appeal, both stand dismissed in default.

[ANIL L. PANSARE, J.]

LATER ON :

Mr. S.S.Sarda, the learned counsel for the applicant/appellant appeared and tenders an apology and further assures that

henceforth he will diligently attend the matter. On the basis of assurance, the order of dismissal is hereby recalled.

The learned counsel for the applicant submits that the name of respondent No.2 is “**Priyanka**” but inadvertently it has been stated to be ‘Balika’. He seeks leave to amend the cause title. Leave granted. The amendment be carried out forthwith.

Issue notice to the respondent no.2, returnable after four weeks.

The Registry to ensure service on the respondent no.2. The appellant too shall take steps in respect of service on Respondent no.2. Service through all permissible modes is allowed. An affidavit of service be filed.

CA (S) No. 285/2023

By the present application, the applicant is seeking condonation of delay of 350 days in filing the application for bringing on record the legal representatives of the respondent no.6, who expired on 23.03.2021.

The learned counsel for the applicant submits that the delay has occurred because the applicant is a senior citizen and was unaware about the death of respondent no.6. In the meantime, the applicant had also changed the Advocate. He further submits that during the course of briefing, the applicant has informed about the death of respondent no.6 and thereafter the application is promptly filed.

The respondents and the legal representatives though served, are absent and as such, the reasons given by the applicant in the application remain uncontroverted.

In view of the above and for the reasons set out in the application, the Civil Application is allowed. The delay is condoned. The legal representatives of respondent no.6 be brought on record within seven working days. The amended copy be served upon the other side.

(ANIL L. PANSARE, J.)

sahare